

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: COLUMBIA UNIVERSITY)
PATENT LITIGATION) MDL NO. 1592
)
)

ORDER

WOLF, D.J.

August 17, 2004

For the reasons described in court on August 16, 2004, it is hereby ORDERED that:

1. The plaintiffs' Assented-to Motion for Leave to File a Reply (Docket No. 70) is ALLOWED.

2. Amgen, Inc.'s Motion for Leave to File a Reply (Docket No. 73) is ALLOWED.

3. Amgen, Inc.'s Motion for Discovery from Foreseeably Unavailable Witnesses (Docket No. 56) is ALLOWED. The depositions of Dr. Louis Siminovitch and Dr. P.R. Srinivasan shall be completed by September 30, 2004.

4. The plaintiffs' Assented-to Motion to Impound (Docket No. 59) is ALLOWED.

5. The parties shall confer and, by August 20, 2004, file a stipulation memorializing their agreement that the court may conduct a trial in all cases, including cases transferred to this court by the Judicial Panel on Multidistrict Litigation, regarding the plaintiffs' allegations of non-statutory double patenting, if a trial is necessary. See In re Carbon Dioxide Indus. Antitrust Litig., 229 F.3d 1321, 1325-26 (11th Cir. 2000). If no stipulation

has been signed, the parties shall instead report on the status of this issue.

6. Counsel for all parties shall, by August 20, 2004, take the steps necessary to receive electronic notification of filings in their respective cases and the master docket, No. 04-MD-01592.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE